

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY DEFOGGI
ZACKARY AUSTIN,

Defendants.

8:13CR105

UNOPPOSED MOTION TO
DESIGNATE THE CASE AS COMPLEX

COMES NOW the United States of America, by and through Assistant United States Attorney Michael P. Norris and DOJ Trial Attorneys Keith Becker and Sara Chang, and respectfully request that the above captioned matter be designated as a complex case pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii). In support of this motion the United States states as follows:

1. Title 18 U.S.C. § 3161(h)(7)(B)(ii) provides for exclusion from Speedy Trial calculations when:

“Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section.”

2. On February 6, 2014, the parties discussed the designation of this case as unusual and complex. The Court asked the parties to discuss and, if necessary, brief the issue of complexity.

3. The parties, through counsel, have agreed that the case should be designated as complex. Therefore the motion is unopposed. On Friday, February 7, 2014, Chad Primmer, counsel for Zachary Austin confirmed by email that he thought the case to be complex. On

February 10, 2014, counsel for Timothy DeFoggi responded by email, “after researching this issue, I agree that this case qualifies as complex.”

WHEREFORE, the United States respectfully submits that the Court issue an Order designating the above captioned case as complex under 18 U.S.C. § 3161(h)(7)(B)(ii).

UNITED STATES OF AMERICA

DEBORAH R. GILG
United States Attorney
District of Nebraska

By: *s/Michael P. Norris*
MICHAEL P. NORRIS (#17765)
Assistant United States Attorney
1620 Dodge Street, Ste. 1400
Omaha, NE 68102-1506
(402) 661-3700

KEITH BECKER
DOJ Trial Attorney
1400 New York Ave NW 6th Floor
Washington, DC 20530
(202) 305-4104

SARAH CHANG
DOJ Trial Attorney
1400 New York Ave NW 6th Floor
Washington, DC 20530
(202) 353-4979

CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the counsel of record.

s/Michael P. Norris

MICHAEL P. NORRIS

Assistant United States Attorney